

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

JOSEPH DOMENIC FLOWERS,	:	MOTION TO VACATE
Defendant-Movant,	:	28 U.S.C. § 2255
	:	
	:	CRIMINAL ACTION NOS.
v.	:	1:10-CR-276-WBH
	:	1:10-CR-301-WBH
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NOS.
Plf-Respondent.	:	1:12-CV-3060-WBH
	:	1:12-CV-3061-WBH

**ORDER**

This matter is before the Court for consideration of the Report and Recommendation (R&R), [Doc. 33], in which the Magistrate Judge recommends that Defendant's 28 U.S.C. § 2255 motion be granted but only to the degree of reinstating his appeal rights. In the absence of objections, the R&R is hereby **ADOPTED** as the order of this Court. The judgment and sentence entered in the criminal actions numbered 1:10-CR-0276-WBH and 1:11-CR-0301-WBH as to Joseph Dominic Flowers are hereby **VACATED** and **REIMPOSED** as of the date hereof with credit for all time served and any amounts that may have been paid for restitution and/or special assessment.

Defendant is advised that:

(a) he has the right to an appeal;

(b) if he is unable to pay the cost of an appeal, he may apply for in forma pauperis status to pursue the appeal;

(c) if he so requests, the Clerk of this Court will prepare and file a notice of appeal on his behalf;

(d) he has the right to counsel on appeal and, if he cannot afford counsel, an attorney will be appointed to represent him; and

(e) with few exceptions, any notice of appeal must be filed within fourteen days of the date the Court reimposes its sentence in these cases.

**IT IS SO ORDERED**, this 8<sup>th</sup> day of January, 2013.

  
\_\_\_\_\_  
WILLIS B. HUNT, JR.  
UNITED STATES DISTRICT JUDGE